

**CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Office of the City Attorney
AGENDA DATE: October 9, 2012
CONTACT PERSONS/PHONE: Sol M. Cortez, Assistant City Attorney
DISTRICT(S) AFFECTED: COUNTY



SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest to JOHN KABA AND BARBARA PAUL in accordance with Section 34.05 (h) of the Texas Property Tax Code the following described parcels:

1. Lots 31 and 32, Block 57, Wilco Subdivision, Unit No. 2, El Paso County, Texas.
2. Lots 12 thru 14, inclusive, Block 57, Wilco Subdivision, Unit No. 2, El Paso County, Texas.
3. Lots 15 thru 20, inclusive, Block 57, Wilco Subdivision, Unit No. 2, El Paso County, Texas.
4. Lot 33, Block 57, Wilco Subdivision, Unit No. 2, El Paso County, Texas.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The properties are referred to as "struck off" because they were bid off to the City at a tax sale when no bids were received. An offer has been made to purchase the properties for the full amount of the judgment in accordance with Section 34.05 (h) of the Tax Code. Section 34.05 (h) permits the City to sell a property for the total amount of the judgment and the sale of the property does not require the consent of each taxing entity entitled to receive proceeds from the sale. If the sale is approved the properties will be put back on the tax rolls to generate revenue.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Council has considered other resolutions for other struck off properties to be sold pursuant to Section 34.05 (c) and (d).

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

No additional cost to the City.

BOARD / COMMISSION ACTION:

None at this time.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** _____ n/a _____

DEPARTMENT HEAD: David Chedeville

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM (TAX RESALE) DEED CONVEYING ALL RIGHT, TITLE AND INTEREST IN REAL PROPERTIES DESCRIBED AS LOTS 12 THRU 14, INCLUSIVE, BLOCK 57; LOTS 15 THRU 20, INCLUSIVE; BLOCK 57, LOTS 31 AND 32; BLOCK 57 AND LOT 33, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS, TO JOHN KABA AND BARBARA PAUL, IN ACCORDANCE WITH SECTION 34.05 (H) OF THE TAX CODE.

WHEREAS, by Sheriff's Sale conducted on August 4, 1992, the below described properties were struck off to the City of El Paso, (the "City") Trustee, pursuant to a delinquent tax foreclosure decree of the County Court at Law No. 3, El Paso County, Texas and

WHEREAS, the sum of ONE THOUSAND FIVE HUNDRED SEVENTY THREE and NO/XX DOLLARS (\$1,573.00) has been tendered by **John Kaba and Barbara Paul**, of El Paso County, Texas ("**Kaba/Paul**") for the purchase of said property pursuant to Section 34.05 (h) (2), Texas Tax Code Ann. (Vernon, 1996),

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is hereby authorized to execute a Quitclaim (Tax Resale) Deed conveying to **John Kaba and Barbara Paul**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

LOTS 31 AND 32, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 12 THRU 14, INCLUSIVE, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOTS 15 THRU 20, INCLUSIVE, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

LOT 33, BLOCK 57, WILCO SUBDIVISION UNIT NO. 2, EL PASO COUNTY, TEXAS.

PASSED AND APPROVED THIS _____ day of _____, 2012.

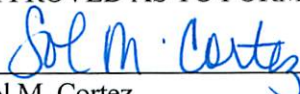
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sol M. Cortez
Assistant City Attorney

APPROVED AS TO CONTENT:

David W. Childs
Tax Assessor-Collector

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from any instrument that transfers an interest in Real Property before it is filed for record in the public records: your social security number or your driver's license number.

TAX RESALE DEED

STATE OF TEXAS

X

X

**KNOW ALL MEN BY THESE
PRESENTS**

COUNTY OF EL PASO

X

That The City of El Paso, Trustee, acting through its City Manager, hereunto duly authorized by resolution and order of said governing body which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of \$1,573.00 cash in hand paid by

**John Kaba and Barbara Paul
136 Earl Lucas Road
Pelion, SC 29123**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under Cause No. 84-6005, in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lots 31 and 32, Block 57, Wilco Subdivision Unit No. 2, El Paso County, Texas.

Lots 12 thru 14, Inclusive, Block 57, Wilco Subdivision Unit No. 2, El Paso County, Texas.

Lots 15 thru 20, Inclusive, Block 57, Wilco Subdivision Unit No. 2, El Paso County, Texas.

Lot 33, Block 57, Wilco Subdivision Unit No. 2, El Paso County, Texas.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF El Paso County, Trustee has caused these presents to be executed this ____ day of _____, 20____.

CITY OF EL PASO, TRUSTEE

BY: _____
Joyce Wilson
City Manager

STATE OF TEXAS

X

COUNTY OF EL PASO

X

This instrument was acknowledged before me on this _____ day of _____, 20_____, by Joyce Wilson, City Manager, of the City of El Paso.

Notary Public, State of Texas

Commission Expires: _____

After recording return to:

**John Kaba and Barbara Paul
136 Earl Lucas Road
Pelion, SC 29123**

**JOHN KABA
BARBARA PAUL
136 EARL LUCAS ROAD
PELION, SC 29123
morningstartn@yahoo.com**

June 17, 2012

Delgado Acosta Spencer Linebarger
& Perez, LLP
Attorneys at Law
221 North Kansas St., Suite 1400
El Paso, Texas 79901

Re: Purchase of Land Owned by El Paso

Dear Sir/Madam:

We are formally requesting to purchase the following pieces of property from the City of El Paso, with the amounts offered for each. We are sincere in our desire to purchase and will be very grateful to hear from you at your earliest convenience. We understand that, if the offer is accepted, we will be expected to pay by cashiers check for the full amount and are prepared to send that immediately upon acceptance.

BLOCK 57

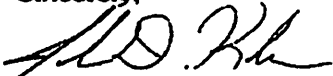
PID # W390-002-0570-1200	LOTS 12 - 14,	0.4545 acres	\$ 396
PID # W390-002-0570-1500	LOTS 15 - 20,	0.9091 acres	\$ 781
PID #W390-002-0570-3100	LOTS 31-32,	0.3030 acres	\$ 264
PID #W390-002-0570-3300	LOT 33,	0.1515 acres	\$ 132

TOTAL ACRES: **1.82 acres**

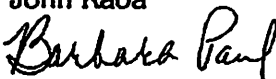
TOTAL OFFER; **\$1,573.00**

Thank you very much.

Sincerely,



John Kaba



Barbara Paul

Prop_id	Geo_id	Prop_id Number	GEO_id Number	2011	Acreage							
187297	W39000205703100	187297	W39000205703100	57 WILCO #2	31_32 (1320	School	City	College	Water	Fire	Emergency	Municipal
[Street]		TXELPA014042Orth				ICL	SCC	SF2				
COTTON		CITY OF EL PASO				NEB36						
Cordova Ranch Subdivision		2 CIVIC CENTER PLAZA				EL PASO	TX	79901-1153				
Future/ Map 2011/J-Date		PROP ID	GEO ID	P- Type	School District Code	Owner	ACRES	House #	State Code	Tiles		
Residential	Commercial	Farm /Ranch	Impov	Industrial	Gas or Oil	Verify	New Sub or 2011	Vacant Lot(s)	Utility Properties			
ALT												

Parcel Layers

- ☐ Arrogos Rims
- ☐ ETJ Bndy
- ☐ Fire Station
- ☐ Floodplains 2011
- ☐ Major Streets
- ☐ Mobile Home Parks
- ☐ Municipals
- ☐ Parcels 2012
- ☐ Parks
- ☐ Police Station
- ☐ Rail Roads
- ☐ School Districts
- ☐ Subdivisions
- ☐ Master Map Index
- ☐ Zoning(City)
- ☐ Zoning(Socorro)
- ☐ Zoning(Winton)
- ☐ Water Vags
- ☐ TIRZ I-7

Search/ Measu

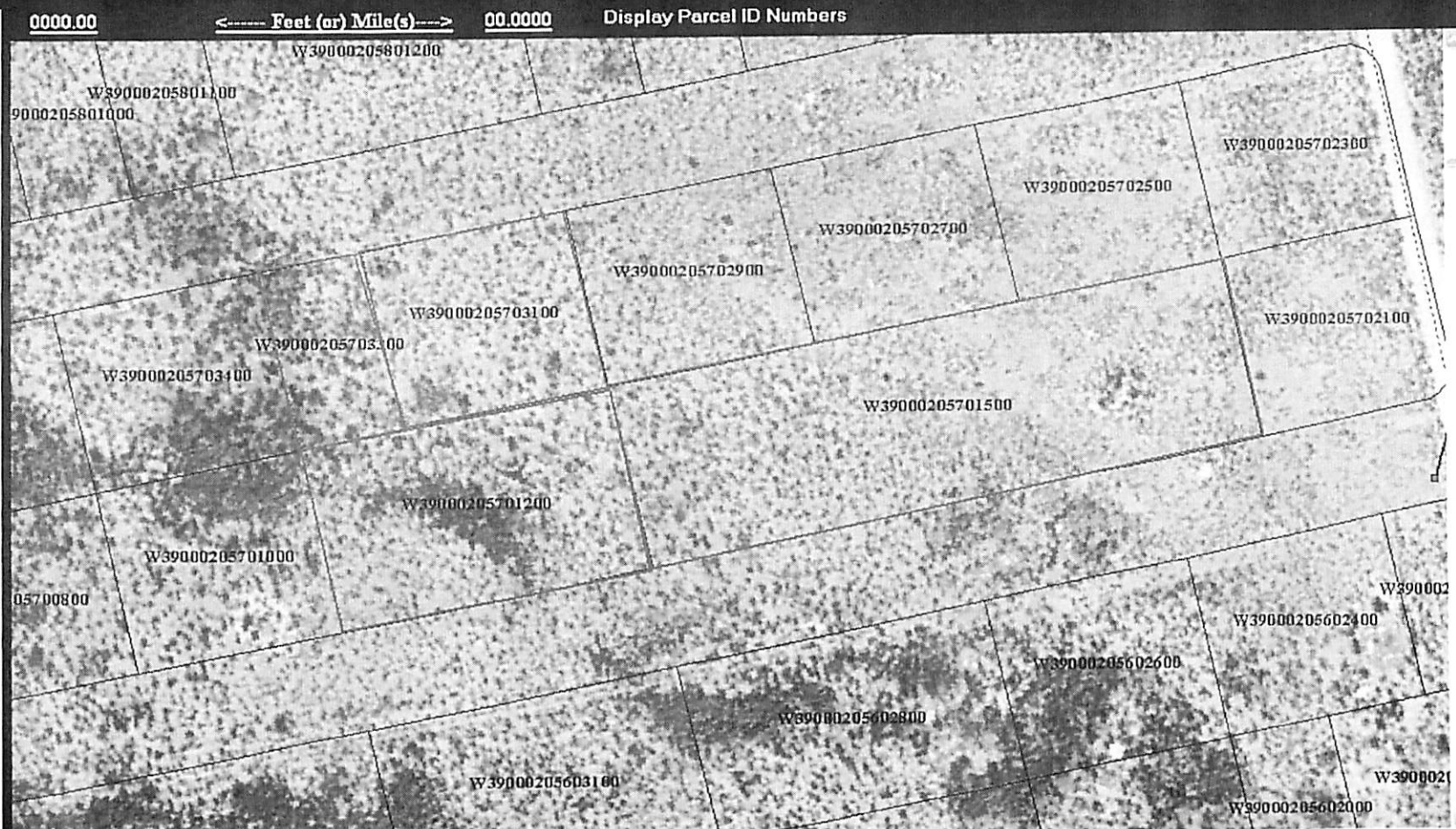
Aerials

Buffer	Radius
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Parcel Identify

<u>Deed /</u> <u>Info</u>	<u>Full</u> <u>Screen</u>
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Full
Screen





Prop_id	Geo_id	Prop_id Number	GEO_id Number	2011	Acreage
187297	W39000205703100	187297	W39000205703100	31_32 (1320	School City College Water Fire Emergency Municipal
[Street]		TXELPA0140420rh			
COTTON				ICL	SCC
Cordova Ranch Subdivision		CITY OF EL PASO	NEB36		SF2
		2 CIVIC CENTER PLAZA	EL PASO	TX	79901-1153
Future/Map2011/J-Date	PROPID	GEO ID	P- Type	School District Code	Owner
Residential	Commercial	Farm /Ranch Imprv	Industrial	Gas or Oil	Verify
					New Sub or 2011
					ACRES
					House #
					Vacant Lot(s)
					State Code
					Utility Properties
					Tiles
					601 ICL SC
					ALT

Parcel Layers

- ☐ Arroyos Rims
- ☐ ETJ Bndy
- ☐ Fire Station
- ☐ Floodplains 2011
- ☐ Major Streets
- ☐ Mobile Home
- ☐ Parks
- ☐ Municipals
- ☐ Parcels 2012
- ☐ Parks
- ☐ Police Station
- ☐ Rail Roads
- ☐ School Districts
- ☐ Subdivisions
- ☐ Master Map Index
- ☐ Zoning(City)
- ☐ Zoning(Socorro)
- ☐ Zoning(Vinton)
- ☐ Water Ways
- ☐ TIRZ I-7

Search/ Measu

Aerials	
Buffer	Radius
Parcel Identify	

Deed / Info	Full Screen
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0000.00 <----- Feet (or) Mile(s)----> 00.0000 Display Parcel ID Numbers



